

FILE NO. A14-0143

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against WILLIAM L. FRENCH,
a Minnesota Attorney,
Registration No. 131945.

**SUPPLEMENTARY PETITION
FOR DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

The Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this supplementary petition for disciplinary action pursuant to Rules 10(e) and 12(a), Rules on Lawyers Professional Responsibility (RLPR).

Respondent is currently the subject of a January 16, 2014, petition for disciplinary action. The Director has investigated further allegations of unprofessional conduct against respondent.

The Director alleges that respondent has committed the following additional unprofessional conduct warranting public discipline:

SECOND COUNT

Failing to Place Client Funds in Trust, Failing to Diligently Pursue Client Matter and
Failing to Communicate with Client

18. On approximately December 18, 2009, Kathy Lee met with respondent to discuss representation in a dispute with U.S. Bank regarding its handling of Lee's father's trust.

19. During their December 18, 2009, meeting, respondent told Lee that he would require a \$1,200 retainer to begin work on her case. On approximately

December 22, 2009, Lee sent respondent a check for \$1,500.¹ Respondent did not enter into a written retainer agreement with Lee. Respondent deposited Lee's retainer into his operating account.

20. A billing statement respondent prepared on February 6, 2014, reflects that, during the period December 2009 to July 2012, respondent provided legal services to Lee as follows:

<u>DATE</u>	<u>TIME</u>	<u>VALUE</u>	<u>BALANCE</u>
			\$1,500.00
12/18/2009	2.00	\$400.00	\$1,100.00
02/16/2010	1.50	\$300.00	\$800.00
01/24/2012	.20	\$40.00	\$760.00
02/29/2012	.10	\$20.00	\$740.00
06/13/2012	.10	\$20.00	\$720.00
06/21/2012	.10	\$20.00	\$700.00
07/02/2012	2.00	\$400.00	\$300.00

21. At no time did respondent retain the unearned balance of Lee's retainer in a trust account.

22. On January 29, 2014, Lee sent respondent an email in which she terminated respondent's representation and requested that he refund her complete retainer.² By letter dated February 7, 2014, respondent sent a \$1,500 check to Lee drawn on his operating account in refund of her retainer.

23. During the period December 18, 2009, to January 29, 2014, respondent did little or no substantive work on behalf of Lee and failed to adequately communicate with her regarding her case.

24. Respondent's legal services to, and communications with, Lee during the period December 2009 to July 2012 are as follows:

¹ According to Lee, she included an additional \$300 "in a show of good faith on my part for [respondent's] services."

² Respondent's February 6, 2014, billing statement reflects 2.10 additional hours, which equates to \$420 in additional charges, for his communication with Lee on January 29 and 30, and February 6, 2014.

- **December 18, 2009.** Respondent met with Lee for the first time and she provided him with documents. Respondent did not, at this time, request Lee to provide information or documents additional to that which she had already provided to him.

- **February 16, 2010.** Respondent spoke with Lee regarding dismissal of the conciliation court action she had commenced against U.S. Bank prior to retaining respondent. Respondent did not, at this time, request Lee to provide information or documents additional to that which she had already provided to him. According to respondent, he also conducted legal research and contacted another attorney to discuss Lee's case on this date.

- **January 23, 2012.** Respondent emailed Lee, stating, "I am working on your file and will have something to you this week. Sorry for the delay." Respondent did not, at this time, request Lee to provide information or documents additional to that which she had already provided to him.

- **February 29, 2012.** On February 7, 2012, Lee emailed respondent requesting an update regarding her case. Respondent responded by email on February 29, 2012, stating, "I will have an update to you by Friday of this week. I have been tied up in court, including cases outside of Olmsted County." Respondent did not, at this time, request Lee to provide information or documents additional to that which she had already provided to him.

- **June 13 and 21, 2012.** On June 6, 2012, Lee emailed respondent again requesting an update regarding her case. Respondent responded by email on June 13 and 21, 2012. In his June 13, 2012, email, respondent stated, "Sorry for the late response. I'm right in the middle of a couple of things. I will have something to you by Friday or Monday at the very latest." In his June 21, 2012, email, respondent stated, "Just a headsup [sic] that I've not been able to finalize anything since I'm presently involved in a jury trial in Olmsted County District

Court. It should be completed tomorrow, then I can turn my full attention to your case.” Respondent did not, at this time, request Lee to provide information or documents additional to that which she had already provided to him.

- **July 2, 2012.** At Lee’s request, she and respondent met to discuss her case. Prior to the meeting, respondent prepared a draft summons and complaint on Lee’s behalf. During their meeting, respondent requested Lee to provide him with any additional documents she had reflecting unnecessary charges by U.S. Bank. On July 11, 2012, Lee emailed to respondent a July 10, 2008, letter from U.S. Bank. Lee stated, “I have other attachments that I can send that pertain to my Trust suit. This will be a good test to see if I can send others. Let me know.” Respondent did not respond.

25. On a few additional occasions during the period December 2009 to July 2, 2012, Lee called respondent’s office to request an update regarding her case. Respondent failed to return some of these calls. In response to other calls, respondent informed Lee that he was working on her case or that he had been unable to work on her case because of other obligations. Respondent did not, on any of these occasions, request Lee to provide information or documents additional to that which she had already provided to him.

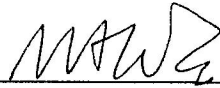
26. Respondent’s conduct in failing to deposit Lee’s retainer into his trust account and failing to retain the undisbursed balance of that retainer in his trust account violated Rule 1.15(a), Minnesota Rules of Professional Conduct (MRPC).

27. Respondent’s conduct in failing to work diligently on Lee’s case and failing to adequately communicate with her violated Rules 1.3 and 1.4(a)(3) and (4), MRPC.

WHEREFORE, the Director respectfully prays for an order of this Court imposing appropriate discipline, awarding costs and disbursements pursuant to the

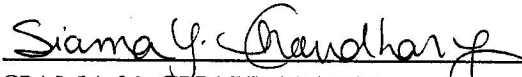
Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: March 26, 2014.



MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
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and



SIAMA Y. CHAUDHARY
SENIOR ASSISTANT DIRECTOR
Attorney No. 350291

This supplementary petition is approved for filing pursuant to Rule 10(e), RLPR,
by the undersigned.

Dated: April 1, 2014.



STACY L. VINBERG
PANEL CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD